

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

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|--------------------------|---|------------------|
| THE ESTATE OF ROBERT LEE |) | |
| BROWN, Norman Laister, |) | |
| Administrator ad Litem, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | CIVIL ACTION NO. |
| |) | 2:17cv634-MHT |
| |) | (WO) |
| SHERWOOD BRITT COX and |) | |
| DAYBREAK EXPRESS INC., |) | |
| |) | |
| Defendants. |) | |

OPINION

This matter is before the court on the recommendation of the United States Magistrate Judge (doc. no. 58) that defendants' motion for partial summary judgment be granted as to all claims except Counts One, Five, and Nine (to the extent Count Nine's wrongful death claim is based on the claims raised in Counts One and Five). Also before the court are plaintiff's objections (doc. no. 70) to the reasoning of the recommendation, but not to its conclusion that the motion for partial summary judgment should be granted. Based upon the representations made on the

record during the pretrial conference on March 7, 2019,
and on the agreement of parties, the court will adopt
the recommendation that the motion for partial summary
judgment be granted, but will not adopt the
recommendation's reasoning.

An appropriate judgment will be entered.

DONE, this the 8th day of March, 2019.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE